

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, JUNE 29, 2006**

City Hall Council Chambers
210 East 13th Street
Vancouver, WA

6:30 p.m.

CALL TO ORDER

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chair, Jeff Wriston. The hearing was held at the City Hall Council Chambers, 210 East 13th Street, Vancouver, Washington.

ROLL CALL

PC Members Present: Jeff Wriston, Chair; Dick Deleissegues, Vice Chair; Milada Allen, George Vartanian, and Jada Rupley.

PC Absent: Lonnie Moss and Ron Barca.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Colete Anderson, Planner III; and Jeff Niten, Planner.

Other: Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for June 29, 2006

The agenda for June 29th was approved as distributed.

B. Communications from the Public

None.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION,
CONTINUED FROM JUNE 15, 2006:**

1. **CPZ2006-00015 NE 71st Street** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 157492-000 (12.23 acres) from an Urban Low Density Residential with a R1-6 zone to Mixed Use and MX zoning, located at 15515 NE 71st Street.
Contact: Darci Rudzinski (360) 397-2375, Ext. 4434
or e-mail: annual.review@clark.wa.gov

WRISTON: This is a continuation of our annual reviews. I appreciate this last group of two for hanging in there with us through the continual continuations. We will ask as a matter of fairness that you try to limit your testimony as much as you can to -- we've asked -- in the past hearing we asked people to keep it to about three to, three to five minutes, closer to three if you can, so if you have long testimony, to the extent that you can pare it down or somehow pare it down or if it's been repeated or something or said already, we would appreciate it. And that's in the spirit of fairness because we have done that at other hearings, although you do deserve a little leeway because you've been continually pushed because of the length of some of those hearings. With that we'll start with Item Number 1 which is CPZ2006-00015, NE 71st Street. Staff report.

RUDZINSKI: Thank you, Chair Wriston, good evening Planning Commissioners. With your indulgence we'd like to talk generally about the two cases you'll be hearing tonight since they both are requests for a mixed use land designation.

The purpose statement of the mixed use land designation per the Unified Development Code this district requires mixed use developments to provide the community with a mix of mutually supporting retail, service, office and medium or high density residential uses. It promotes cohesive site planning and design which integrates, interconnects two or more land uses into a development that is mutually supportive. It provides incentives to develop a higher density active urban environment than generally found in a suburban community.

The County's Unified Development Code requires that a minimum of 20 percent of the future development on these sites must be nonresidential uses and a minimum of 20 percent of the development must be residential, so there's some mix there but at least 20 percent has to be residential or commercial. When developing findings for these two requests staff considered the suitability of the subject sites for a mixed development including possible transportation impacts. For purposes of anticipating the impact of future traffic generation from redesignating these sites to mixed use, the County conducted transportation analyses that assumed build-out of the sites at 80 percent commercial and 20 percent residential; in other words the most intensive development options available under the mixed use zone.

So with that overview of the mixed use this first case is CPZ2006-00015, NE 71st Street. The owner is requesting a comprehensive plan amendment and zoning designation change for 12.23 acres from urban low density residential with R1-6

zoning to mixed use and mixed use zoning. The site's located near NE 71st Street, west of NE 117th Avenue (SR-503), in the vicinity of the Lowe's Home Improvement Center and the new Orchards Elementary School. The parcel is currently developed as a mobile home park and this is an existing legal nonconforming use; however, under existing zoning mobile home parks are not permitted, they are not a permitted use. You have received one written comment prior to this hearing, it is a June 13th letter from the Washington Department, Washington State Department of Transportation, it is by Michael Clark, Engineering Services Manager, and that's the only submitted testimony that we have so far.

Policy issues revolving around this particular request includes increased density and intensity of land uses on the site, so currently it is a residential use, this, granting this request would allow for commercial uses on the site, would actually require commercial uses on the site at least 20 percent and impacts to the transportation system. The applicant has suggested in their application that a reasonable build-out scenario for the site would be a mix of 40 percent residential and 60 percent commercial, so a little bit more residential than one would have to, but they made that mix or suggested that mix. The future development that reflects this percentage of residential on the site could yield more residential units than the minimum required by the Unified Development Code, it could also yield more commercial and of course would mean more trips generated by commercial uses.

The County's transportation impact analysis has stated that the potential impact of a mix of commercial and residential uses on this site could result in approximately 4,377 vehicle trips today, this is significantly more than what's allowed, what would be generated by today's use under the residential zoning. The recommendation from the transportation impact analysis that the County has done is to limit trips basically to what the applicant has proposed, the uses, the use mix that the applicant has proposed and this would basically reduce the trips from the maximum that was modeled in the County's transportation impact analysis.

Staff recommends approval of this request based on the fact that this site is in an area already that has -- that's characterized by a mix of residential and institutional and commercial uses, that we found that the request is consistent with the locational criteria and purpose statement of the mixed use district. The subject site if approved for mixed use zoning would provide the opportunity to redevelop the site from a single use to a multiple use development. However, the change in comprehensive plan and zoning designation from R1-6 which is a low density residential designation to mixed use is likely to increase transportation demands and for this reason the County should guarantee cross-circulation through the site through a concomitant agreement with the applicant, identify the necessary improvements to 69th Street, 71st Street and 76th Street as part of future site development on the subject site. In addition to the cross-circulation requirements, this agreement should include the dedication of NE 71st Street as a County public roadway. And finally, the number of future trips from the site should be consistent with the trip generation estimate contained within the applicant's transportation impact analysis. One approach to ensure this consistency

would be a limitation provision contained in a concomitant agreement. That would conclude our report.

WRISTON: Thank you. Questions?

DELEISSEGUES: I had a question with the -- in the staff report it says the future development of the site will result in the removal of the existing mobile home park and it may not be relevant but I really wonder, what happens to the mobile homes that are in the park? Have the residents been noticed that this is occurring and if so, I would think that there would be some written testimony at least from the present people that live there, you know, the occupants? It's -- I don't know of any new mobile home parks in Clark County where someone can move a mobile home and if they've been there 20 years, sometimes it's not even cost effective to take an older mobile home and pay the price of having it moved, set up, everything that has to be done. So I'm just curious what, if anything, is being done for the people that live in the existing mobile home park?

RUDZINSKI: Right. And I believe we have the applicant's representative here tonight who may be able to address that, those questions. The staff does not have specific information about that. We have not received written testimony. We have had several people inquire over the phone and are interested, were interested in participating in the hearing tonight and as you can see there are some people who are here.

DELEISSEGUES: Yeah. We went through this once before so and then there was an answer, I'm waiting to see what the answer will be, but it isn't really relevant.

RUPLEY: Probably my question added on to Dick's would be how many mobile homes are currently in this park?

RUDZINSKI: And we don't have -- I don't believe we have that information either. I don't recall it from the narrative. You can see on the aerial kind of how densely populated it is today. One thing that we should mention with this land use designation change it of course is not a development proposal, there is no -- to Clark County's staff knowledge no imminent proposal to redevelop the site and, you know, it could continue to be used as a mobile home park as a nonconforming use indefinitely until which time a development proposal would come through and then you'd need to have those mixes of uses required by the Unified Development Code.

DELEISSEGUES: Okay. We'll ask the applicant to address that.

WRISTON: Further questions or comments? Applicant's representative.

PHILLIPS: Thank you, Commissioners. Can you hear me okay?

WRISTON: Yep.

PHILLIPS: Dave Phillips of Erikson & Hirokawa. Our address is 1111 Main Street, Suite 402 here in Vancouver, 98660, our office represents Greenway Terrace who is the owner of the property in question. I would like to thank you each for coming to this extra hearing, I understand that this one was scheduled as a matter of course because of previous hearings that proved quite lengthy and contested. I'll attempt to keep my comments pretty brief, even coming from an attorney I can try to keep them close to the vest.

There are going to be some questions I imagine, first of all concerning your question about determination of leasehold interest of the occupants. I understand there are 68 occupied spaces presently on-site and to address your question off the top I'll according to the contracts, the leases, requires one-year termination notice and that's consistent with the Washington statutes concerning these kinds of leasehold interest as well, and according to what my client has said that there have been a number of interactions between himself and his tenants and that at present we're not sure, and this comes into play because of the mixed use ordinance was recently rewritten, we're not sure exactly when any build-out scenario could occur. So anticipating one year prior to a change in ownership of the underlying property or a, you know, an actual beginning of building we're probably not one year prior to that point at present, but we're definitely going to continue to work with the occupants and we want to make sure that this public process here answers any or all of the questions that those occupants may have.

When we got into this process we understood that the mixed use ordinance was going to receive some changes. We were involved Mr. Vartanian and I, obviously he was on the mixed use commission planning board I guess is what you would call it, and I attended a few of those planning meetings as well as all of the Commissioner hearings and we are generally what I would call pleased with the outcome of that process and characterizing the new mixed use ordinance as a workable and significant improvement. We understand we might be one of the first, in other words the guinea pigs on the new mixed use ordinance, but we are definitely looking forward to that process and understand there might be some growing pains along with that. I'd like to thank staff for the introduction and raising a couple of the issues that we're going to discuss tonight. I concur with staff that -- in their findings that our proposal is consistent with the GMA goals, the community framework countywide planning and comprehensive planning policies as well as all the applicable rezone criteria.

I'd like to explain a little bit more about the history of this site. It was zoned A-2 from 1980 until 1995, it was rezoned to R1-6 in 1995 and since that time, then, the mobile home park has been a legal nonconforming use, obviously it's been continued. In addition it's located in a prime location to provide a transition zone between fully developed low density single-family uses to the west and those continuing to develop highly intense commercial uses along 503. I generally characterize mixed use zone as something like an inbetween, this view is I believe generally shared by the County Commissioners who were -- there was a lot of discussion at the time in the Board hearings concerning what density ranges were going to be appropriate for this kind of

zone as it applied to the residential portion of these uses and that a dwelling unit of -- density unit ratio of 12 units per acre to 43 units per acre was adopted which kind of gives a transition area where a developer can propose something that's not so inconsistent with low density single-family uses and also not so inconsistent with highly developed or developing commercial uses.

Staff has cited the purpose statement in the mixed use ordinance so I'll not recover that ground. Many commentators view mixed use development as kind of new or smart growth and a welcome departure from what I would call our rigid Euclidean past and as far as zoning is concerned. It allows for flexibility and site plan review and we definitely plan to present what I would call an open vision for a community development which is compatible with the surrounding uses. Concerning transportation impacts, a properly designed mixed use development benefits the relatively high internal what I would call a trip capture rate which reduces transportation impacts to the surrounding neighborhood. We do understand and from the beginning, at the outset of this process, the pre-application staff asked us to acquire the services of a transportation engineer. We did so and acquired Brent Ahrend here from Group Mackenzie and with that I'll turn the time over to him concerning some transportation issues and I urge the Commission to approve our request so that redevelopment of a nonconforming use can benefit the surrounding community. Do you have any -- do you have any more questions about the idea of on-site tenants at this time that you'd like me to address?

DELEISSEGUES: No.

WRISTON: Any questions? No? Thank you.

PHILLIPS: Thank you, Commissioners.

AHREND: Good evening. My name is Brent Ahrend, I'm a traffic engineer with Group Mackenzie. I wanted to touch real quick on the analysis that we prepared and kind of the circulation because I know that will probably come up tonight. As staff mentioned, we did prepare a traffic analysis on our own even though it wasn't required and what we found is that for the 20-year analysis that the intersection of 503 with 71st Street would operate at acceptable levels and we even identified a couple of mitigation measures including a right-turn lane on 71st and some changes to the signal timing that would help that intersection to operate even better than it would in kind of its existing condition and that wasn't recognized in the letter that the State submitted, just to point that out.

The other thing I want to point out is that the County's current circulation requirements will require that there's in the future when the commercial parcels to the north of this site develop they will have to extend a public street between 71st and 76th, most likely along the lot line. So the idea is as you may be aware the school has built out 69th Street along the north end of that site and then the south end of this property and when it develops it would have to build out the remaining third or so of 69th Street. And 71st

Street right now kind of stubs in a cul-de-sac and provides access to the current mobile home park and to the shopping center to the north and the idea is that that 71st would be extended into the site about to the where the property line is to the north and at that point it would then turn and connect to the north when those properties develop and what that helps do is it provides a good circulation around the commercial properties and take some of the load off of the intersection of 503 and 76th.

So if people are coming from the west they don't have to go through that intersection, they can come down the other street to get to this site and even to the TMT site or to the school. So as this area builds out I think the transportation system will come in line and help improve circulation around the area. So I'd be happy to answer any questions you might have.

DELEISSEGUES: Well, I'm sure this will come up in the development review, but the applicant is agreeable to a concomitant agreement, then, to make the necessary improvements on 69th, 71st and 76th? Is that --

AHREND: Yes, that's the case.

RUPLEY: How about a little analysis on your part of the difference between what your study says and what we received from DOT other than the change in the light timing?

AHREND: Yeah, they weren't real specific as to -- they don't provide a qualitative analysis of what the impacts of this development would be and this is kind of a standard letter when you have these types of rezones along their facilities, their interest is to keep the traffic flowing as best they can, they want to protect their investment in the roadway and so they typically will kind of be opposed to these types of projects so it's kind of --

RUPLEY: They did label a high accident location listing.

AHREND: Sure, and I'll touch on that real quick. The locations that they identified are around 78th Street to the north, that's the first location, and then the other one is down at Fourth Plain, essentially between Fourth Plain and I forget the street where like the Taco Bell and the Brewed Awakenings are, that intersection, that area right there, those are the areas identified, they weren't specific as to what type of crashes occurred and how this would exacerbate the problem by adding some more traffic through on the highway, but certainly at 71st it's not, it's not a safety issue right now.

RUPLEY: It's probably people in the morning trying to get to Brewed Awakenings, what do you think. Thank you.

WRISTON: George.

VARTANIAN: Yeah, a couple of questions. Immediately to the east of the property is another mixed use zoned area?

AHREND: Right.

VARTANIAN: That's not in common ownership as this one, is it? Do the same people own that mixed use zone that's next to the subject property?

AHREND: No.

VARTANIAN: Okay. Okay. All right. I'm not quite sure that big of mixed use zone area is going to be good for you, but that's entirely up to you folks. One of the purposes of mixed use was to mitigate transportation issues from outside the area, to outside the area, have you given any effect to the trips that were not going to go out beyond the property area?

AHREND: Yeah, but --

VARTANIAN: I mean we struggle with that, you know, long and hard from time to time about, you know, yeah, you know, everybody's not going to have to go shopping and all that good stuff, but we never came up with an application or percentages.

AHREND: Certainly and that's the idea of with the mixed use is, you know, get people to live and work and shop in one area so they don't have to drive across town to work or to the grocery store or whatever. And I guess I'd point out too that for a real small mixed use area it's hard to have enough residents and enough of the commercial to support it, when you get a little bit bigger in a mixed use area, it works a little bit better.

VARTANIAN: Yeah. No, I was just wondering if in your transportation analysis you gave effect to your trip generator is your standard trip generation or is there a reduction because of the mixed use?

AHREND: Yeah, we took a reduction for those shared trips between the different uses, the residential and commercial, we assumed some retail, some office and some residential here is what we assumed.

VARTANIAN: Do you have a number of trips that, you know, that you give effect to?

AHREND: Yeah, it was about a 12 percent reduction. We kind of following the standard ITE procedures so about 12 percent is what they predict.

VARTANIAN: Okay. Thank you.

WRISTON: Further questions? No? Thank you. Mr. Phillips, do you have anything else at this time?

PHILLIPS: Not if the Commission has any other questions for me I may, excuse me, get this on record, sorry. I may reserve a moment of time at the end of testimony for

any questions from the neighbors if any of those questions arise that I can answer at your convenience.

WRISTON: If you would, that, that's fine. Thanks. Anyone else here to testify in favor of the applicant? If not, I'll go down the sign-up sheet. Mary Heidlebaugh. And if I don't pronounce people's names right I apologize.

PUBLIC TESTIMONY

HEIDLEBAUGH: That's close.

WRISTON: Okay. We need you to come up to the microphone, state your name, your address if you would.

HEIDLEBAUGH: Mary Heidlebaugh. I live at 11515 NE 71st Street, Space 74. I've lived there 29 years in the same house that we had brought in and put on the lot. All the improving on the lot we've done. To move at my age is very traumatic. To relocate anywhere is very traumatic. I don't, I don't know what else to say except that that's my situation. If it is -- if the park is closed I have to relocate somewhere. 1977 we moved there thinking that would be our home the rest of our lives. One son went to Orchards and then to Covington and then on through high school from the same spot. Thank you.

WRISTON: Thank you. Any questions? Thank you. Leonora Bowen.

BOWEN: I'm Leonora Bowen. I live at 11515 NE 71st Street, Number 74, Mary Heidlebaugh's my mother. I moved to live with her in December of 2000 because my father was not well, he passed away in May of 2001 so I live with her. If 71st Street becomes a City or County road the homes along that street cannot possibly exist there with any right-of-way to a workable street, there's no way, they're too close, the home would have to be moved. As mom said it's a '77. I have done a lot of phone work, we've gone through a lot of mobile courts, to say that it's going to be difficult to try to move it is an understatement because of the age, even though it's in good condition, it has a new roof, well, put on in '91, it has new windows that we've put in all the way around in the last four years, to move would be obviously a very difficult thing. As far as notices to the tenants from the applicant I've not seen any, maybe they go to someone else. Thank you.

WRISTON: Questions? Thank you. Jo Heidlebaugh.

HEIDLEBAUGH: My name is Jo Heidlebaugh. I live at 11515 NE 71st Street and I live in Space 68. I did not move in to the mobile home park with my parents 30 years ago, but I moved back there to raise my children. I raised my children in this park. They played in the streets, they went to the grade schools, they went to junior high, they went to high school, they're on their own now but I'm there. I have a mortgage on my home. I got a 30-year mortgage on my home because I thought I would live there for

30 years. I cannot move my home, I owe too much on it. To move my home it would cost me \$10,000. To move my mother's home it would cost her \$10,000. We can't afford this.

We are not the only ones who cannot afford this. There are people we have talked to who will simply shut the door and walk away from their homes, homes that they have had for 30 years. There are people who have chosen this life-style who will have to walk away from their homes or move their homes to land that they can't afford. Now I appreciate what the owner's trying to do, but he does not realize what he is doing to us. Thank you.

WRISTON: Questions? Thank you. Warren and/or Patty Fjeldos.

FJELDOS: Yes. My name's Warren Fjeldos, I live in the subject property and I've been there 29 years also. Back in '95, Space 32, back in '95 is when we had the problem with the sewer. Back at that time we couldn't even get the County to even enforce it, we had to fight with Ecology to get it. Now I went to all this stuff to figure out why the County couldn't enforce it. Well, Mike Walker's dad used to own the property. Well, he got a loan from Hazel Dell Sewer which in turn raised our rent 80 bucks and until we paid that off, we paid for the installation of the sewer, now he wants to dislocate everybody because he wants to put in multiple housing, so I don't understand it. And the zoning on the land just north of that where it says UM, what zoning is that?

ORJIAKO: That's R-18.

FJELDOS: Excuse me?

WRISTON: It's urban medium.

ORJIAKO: Yes, it's R-18, it allows apartment units up to 18 --

FJELDOS: R1-8?

ORJIAKO: No. Apartment up to 18 units to an acre.

ANDERSON: It's zoned R-18.

FJELDOS: Okay. Why did the County change it to R1-6 our property back in '95 from A-2, what's the difference between A-2 and R-18, that's what I'd like to know?

VARTANIAN: Can staff, I'm sorry, can staff tell me what A-2 means, I'm sorry?

RUDZINSKI: That was the zone that was applied to the land prior to the 1994 comprehensive plan update and it was a high residential apartment zone.

ORJIAKO: Yes.

VARTANIAN: Okay. Thank you.

RUDZINSKI: The difference between the two zones has to do with density, the amount of housing that's allowed, and R-18 allows for more housing than the R1-6 does.

FJELDOS: Yeah, okay. Prior to where it says mixed use just south of where Lowe's is located where you got 117th on the map there, that property where that storage area was the front part was all part of a trailer park too so we had to relocate all those, people had to move out or relocate the mobiles in the front part so he could sell off to pay the fines. That's all I got to say. I don't understand it. Okay.

WRISTON: Thank you. Any questions? Thank you.

VARTANIAN: Thank you.

WRISTON: Bill and/or Sarah Spencer. And I need a name and address from you.

SPENCER: Yes. I'm Bill Spencer and I live at 11515 NE 71st Street, Space Number 58. I haven't been there as long as these folks have, I've only been in the park for 12 years, but I own my mobile home. It's an '85 model year model and to move it would be almost \$10,000. I hadn't planned on moving. To get my mobile home relocated I would have to find a park that would take one that's 20 years old. They don't. There's not a park around that would take these mobile homes. You -- in order to relocate them they have to be in top condition and under five years old in most of these mobile home parks around. I did find or heard about a park that would take it up in Woodland.

Well, my wife doesn't drive a car, she's never driven a car in her life, if she can't walk to the store or take a bus, which she shops at Freddy's and shops at Safeway and walks to her hairdresser which is two blocks away, you know, if I have to move out to Woodland she's strapped for a place to go. I'm 72 and I still work and I hate to see this happen. You know, I don't know what else to say to you folks. It's -- I think it's a travesty to put these people into, you know, put 60 families out in the street that can't find a place to live, you know, to build townhouses and all that that cost \$100,000 or better that people can't afford. Thank you.

WRISTON: Any questions? Jackie and/or Laurel Lynch. Get a name and address.

LYNCH: Yes. I'm Jackie Lynch at 11515 NE 71st Street, Number 20, and I've been there for 27 years. And I am in the same straights as the rest of the people, I can't afford to move and if he doesn't have us moved we still can't -- if we didn't have to move we still can't move into other parks because there aren't any spaces or they don't accept that my house is a '79, it's 27 years old. I bought it brand-new to move into this park and there's just no way. I have to go back to work as it is because of the rent raises and there's no way we can move it. I haven't got even \$2,000 to move my

home. So this is just no way we can do this. And I guess that's about all I have to say. I can't do it. Thank you.

WRISTON: Questions? No? Thank you. Is there anyone else that's -- or excuse me, Michael J. Walker.

WALKER: I own it.

WRISTON: Okay. Okay. All right. Is there anyone else that would like to testify on this matter before I allow the applicant to come up and is that it? Okay. Mr. Phillips.

PHILLIPS: Thank you again, just a couple of moments of your time. We understand the neighborhood, the individuals from the neighborhood and their situation and I understand that the law as we would understand it concerning leasehold interests in the type of property that they have these interests in would only require one year of notice to terminate that leasehold interest and then no requirement to assist in any way for a relocation or an analysis of that according to the code. My client tells me that when a portion -- he did own a portion of the current MX zone that does front on 503 and he said that at the time that property was sold that he did pay for up to 30 relocations at that time. And when did that occur?

WALKER: 2002.

PHILLIPS: 2002 from what I understand. I don't have any evidence before me, I'm just -- and I don't know if that also is concurrent with what the neighborhood understands as well. I know that there's no obligation upon the property owner to do so and that the question concerning relocation really isn't before this Commission, but we do want to make sure that all of the concerns that were raised can be addressed in a reasonable manner and in a prudent manner.

WRISTON: Questions? I guess I have a quick question. Did the law -- were these in long-term leases for a while, though, and then went on some kind of a something month-to-month? Obviously if you have to give a year notice or were these subject to one-year notice from the beginning?

PHILLIPS: As far as I understand them, and I don't have any of the leases in front of me, that all of these leases are terminable upon one-year notice and that they were that way from the beginning and that each of the tenants clearly indicated their assent to that term of the contract and although it after -- clearly after you've been there 30 years I totally understand how you've set down your roots and really made a home for yourself in that location, but if you don't own any underlying soil, there is always the concern that should arise.

WRISTON: Okay. George.

VARTANIAN: Yeah, I'm sorry, and I'm not looking for a commitment here. Tell me

again about the movement of the 30 residential units or whatever --

WRISTON: Could you come up for a moment.

VARTANIAN: -- that you passed in 2002.

WALKER: When we sold that front portion of the park --

WRISTON: Come on up. I would ask you to come up and give your name and address. Sorry about that.

WALKER: My name is Mike Walker and my address is 3711 NW Povey Avenue, Terrebonne, Oregon. And in I believe it was in January of 2002 we sold the front six acres of the park and the mini storage and at that time the notices were provided to all the tenants and we paid for the moves to relocate each and every single one of them. I take that back, there was one person that decided they wanted to hold out, so with the exception of that one person we paid for the moves on all of the other mobiles.

VARTANIAN: And again without commitment is that something that you're offering for these folks also or is that -- and I don't mean to put you on the spot here.

WALKER: Well, I deal with other people in this business so it is certainly something that if we got to that point we would take into consideration those people that have been there for a long period of time.

VARTANIAN: Okay. Thank you.

WRISTON: Further questions?

WALKER: Thank you.

WRISTON: Thank you. Anything else, Mr. Phillips?

PHILLIPS: No, thank you, for the record.

WRISTON: Okay. Well, just make it quick. If you have a different --

SPENCER: Once again it's Bill Spencer, but when he relocated the mobile homes he didn't -- he relocated them in the park, he moved them to the empty spaces in the back part of the mobile home park, he didn't move them any distance at all. Thank you.

WRISTON: Yeah, thank you. All right. If you want to respond to that, Mr. Phillips.

PHILLIPS: Well, the clear answer is that there's no obligation to do that and that that precise issue isn't before this board under the land use codes, but if my client is offering there would have to be some kind of an acceptance of that contract and that I

would be reticent to even write such a contract based upon the issues that were raised concerning the age of these mobile homes and the issue of where in fact they would be relocated, but it's clear that my client is willing to work with the tenants to the extent it's reasonably possible.

WRISTON: Great. Thank you. All right. With that we'll close the public testimony portion and return to the Planning Commission. Questions of staff? Comments? Straight into deliberations?

RETURN TO PLANNING COMMISSION

DELEISSEGUES: I guess the only comment is it's certainly difficult to deal with this issue, I'm sure staff had the same problem. I mean the only thing we can do is deal with the code and ordinances and the legality of, you know, what a property owner can and can't do under the zoning and whether or not the zoning request is, is in -- goes along with the comprehensive plan or the -- but it sure puts the people that live there in a hard spot and I feel really sorry for you. You know, I put myself in the same position, I don't know what I would do either and I just can only hope that they can work together and work something out that hopefully benefits all parties concerned, but I do appreciate the fact that the staff recommendation is certainly based on code and ordinances and that's what we have to work with so that's just a comment.

WRISTON: Any other comments? Any deliberations or do you want to head straight into a motion?

RUPLEY: Are you asking a question or what?

WRISTON: I'm just throwing it out to you.

RUPLEY: Fast forward to a vote.

VARTANIAN: Okay. I'll make a **MOTION**. These are one of those just impossible situations where the law is the law and it doesn't make anybody happy, but that's what we have to live with unfortunately at this time. I move that the Planning Commission concurs with the staff recommendation to approve the rezone and pass that along to the County Commissioners.

WRISTON: Is there a second?

RUPLEY: **Second**. And with my second I guess that's one of the things I know about staff is that they're very thorough in how they look at things and I think that they definitely probably with this in mind looked very closely to make sure all the requirements were met.

WRISTON: Okay.

ALLEN: Didn't you have to also add the concomitant agreements as well for improvement of the roadways?

WRISTON: George, go ahead. And you want to add that to your motion? You don't have to restate your motion though.

VARTANIAN: No. Just too -- and the motion would include the concomitant agreement that was stipulated in the staff report.

RUPLEY: I'll second as long as I don't have to say that word.

WRISTON: Thank you, Milada. Ready? Roll call.

ORJIAKO: Thank you.

WRISTON: Okay. Catching you guys on this roll call.

ORJIAKO: I know.

ROLL CALL

VARTANIAN: **AYE**. And are we still offering why we, you know, the last time we met the Commissioners were interested in why we were voting --

WRISTON: Yeah, and they are. I think through our testimony and agreeing with staff, unless there's something else that you agree, you know, something else that you want to add to the staff's report, I think that's enough for them. It's where we either disagree with staff or if you're going to vote against the motion, you might want to explain why you're voting against the motion.

VARTANIAN: Oh, I'm sorry. I vote **AYE** but if I could add an editorial comment?

WRISTON: Absolutely.

VARTANIAN: If the County has facility or staff available if it comes down to it to help maybe find housing or residential accommodations for the people who are going to -- who might get removed from the park area to include either mobile home parks, parks or County or City housing, you know, whatever some of the things that are available.

ORJIAKO: Okay. We'll study all over. Thank you.

VARTANIAN: I'm sorry. **AYE**

RUPLEY: **AYE**

DELEISSEGUES: **AYE**

WRISTON: AYE

ALLEN: AYE. And I do hope that the owner will work with the long-term loyal customers that they've had for 30 some years or so to help them out.

WRISTON: Okay. Thank you. Appreciate you all coming and appreciate your participation. Okay. All right. With that we'll move on to the second item on our agenda, CPZ2006-00014, the Springbrook matter annual review.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

2. **CPZ2006-00014 Springbrook** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 159328-000 (9.48 acres) from Community Commercial with a C-3 zone to a Mixed Use and MX zoning, located at 4319 NE 162nd Avenue.

Contact: Darci Rudzinski (360) 397-2375, Ext. 4434
or e-mail: annual.review@clark.wa.gov

RUDZINSKI: All right. The property owners are requesting a comprehensive plan amendment and zoning designation change for 9.48 acres from community commercial with C-3 zoning to mixed use and MX zoning. The site is located at 4319 NE 162nd Avenue at the northeast corner of the intersection of NE 162 Avenue and NE 39th Street. The site was -- is vacant currently and was originally part of a 56-acre tract that was designated for urban low density residential. Most of the original tract 46 acres surrounding the site was approved for a Planned Unit Development called Springbrook Ridge and is built out with single-family residences. The approximately 10 acres that is the subject of this request was redesignated from urban low density residential to community commercial at the request of the property owner during the County's 2004 comprehensive plan update. Currently the C-3 zone would allow the site to be developed with 100 percent commercial, granting the mixed use request would then require that at least 20 percent of the site would be developed with residential uses, so approximately two acres of the subject site would be needed for residential housing so and this would result in it anywhere from 22 to approximately 82 new residences.

Based on the information provided by the applicant and the findings in the staff report, staff recommends that the Planning Commission forward a recommendation of approval to the Board of County Commissioners to modify the comprehensive plan and zoning maps from community commercial with C-3 zoning to mixed use. The reasons for this include the fact that the request has been found to be in compliance with countywide planning policies, approving the requested plan and zone amendment would provide the opportunity for a variety of housing choices in the area through the development of medium and high density housing on a site that is surrounded by single-family housing currently. Nonresidential uses would provide future and current residents in the area an opportunity to get goods and services and possibly to have employment in the vicinity of where they live. Finally, the request is consistent with the

locational criteria and purpose statement of the mixed use district. And with that we conclude our report.

WRISTON: Thank you. Questions of staff? Milada.

ALLEN: Yes. Has there been any input from the City of Vancouver?

RUDZINSKI: No. We have received no written testimony on this application.

ALLEN: Were they asked to?

RUDZINSKI: They were notified and given the opportunity.

ALLEN: Any follow-up to see as to why they did not respond or --

RUDZINSKI: No, I do not believe so.

ALLEN: Because this is close to their boundary, right, adjacent to it?

RUDZINSKI: Yes.

ORJIAKO: It is customary for staff to route the staff proposal to affected jurisdiction, in this case we did.

WRISTON: For --

ORJIAKO: But it appears that they have no comment. If they do, they could in reply into the County, they have no comment.

WRISTON: For Jada and Dick's sake I think you probably remember this is -- we had quite a discussion on this, this is near and dear to Carey, Carey Smith's hearth and home, so I'm actually surprised not to see him here tonight but --

ALLEN: And that's why I was wondering maybe, you know, some information was mislocated or misdirected and therefore, you know, like in my particular case I would have probably followed up to see, you know, if they had received it and if they know that it's there and whether or not they have any comment to it.

ANDERSON: We were in contact with the City of Vancouver, everything was distributed to Bryan Snodgrass in their long-range planning area and it's his pattern to let me know whether or not he has concerns and then usually address those concerns and in a positive light it's his habit not to address them and he, I am confident he has seen it and has no comment.

ALLEN: If I was in his shoes I would say yea or nay.

ORJIAKO: If I may add because I was the staff that reviewed this when it came before the Planning Commission and the Chair recognizing that or remembering this site, at that time they did support the C-3, I suspect that they will probably say yes on this but I cannot speak for them, hence we don't have any comment from them.

RUPLEY: I guess they follow the same rules everybody else does; right?

WRISTON: Further questions of staff before we open up to the applicant? I don't have any sign-in sheets for this, but representative of the applicant. Mr. Fuller.

RUPLEY: Oh, can we vote?

FULLER: Yes, you can.

WRISTON: We need a name and address.

FULLER: My name is Eric Fuller, 501 SE Columbia Shores Boulevard in Vancouver, Washington, and I've been engaged by the property owners to market this site for a commercial development, and the applicant is in concurrence with the recommendations and conclusions of the staff report and we're here to answer any questions you may have this evening.

WRISTON: That was short and sweet. Any questions of Mr. Fuller? No? Anyone else here to testify on behalf of the applicant?

PUBLIC TESTIMONY

OSBORN: Good evening, Commissioners. My name is Christy Osborn and I'm with MacKay & Sposito at 1325 SE Tech Center Drive, Suite 40, Vancouver, Washington 98683, excuse me for looking at the address there. I'm also here to answer any questions that you may have on behalf of the applicant and we concur with staff's recommendation.

WRISTON: Okay. Thank you. Questions? All right. Are you here to testify? All right. I don't think --

VARTANIAN: Oh, go ahead.

WRISTON: I don't believe there's anyone else here to testify for or against this application, therefore we'll close the public testimony and return to the Planning Commission. Desires of the Commission?

RETURN TO PLANNING COMMISSION

VARTANIAN: Okay. If nobody else will I will. I make a **MOTION** that we concur with the staff's findings and recommend approval and pass along to the County Commissioners. And this is exactly the kind of a development that the citizens committee that I had the pleasure of serving on had in mind in an area of dense development, or it looks like reasonably dense development, that there would be shopping opportunities and a mix of housing within that area, so I think it's going to be a nice project.

WRISTON: Is there a second?

DELEISSEGUES: I'm trying to figure out if memory serves if Carey's concerns were environmental. Were they?

RUPLEY: I think it was grocery stores.

WRISTON: Oliver.

ORJIAKO: I recall that his concern was that there were many other shopping centers in the vicinity --

DELEISSEGUES: Oh, that's right.

ORJIAKO: -- of this site --

DELEISSEGUES: Yeah, that's right.

ORJIAKO: -- and whether they would survive and at that time we were arguing that there is still -- given the market study that was presented that there is opportunity for this to develop at commercial. His concern was more of what is in the vicinity of this site. It's free of any environmental issues.

DELEISSEGUES: Well, since Carey's no longer a member of the Planning Commission and he's not here to testify, I guess we'll have to forego the opportunity to hear him.

RUPLEY: And live with our decisions.

VARTANIAN: If I remember right I think his concern was when it was a commercial zoned area --

RUPLEY: Commercial only.

VARTANIAN: -- and this is not that way any longer so.

WRISTON: This changes. I mean if it, if we -- if this gets granted through the Commissioners, it brings the commercial down a bit although still obviously a commercial component so.

DELEISSEGUES: Which isn't bad.

WRISTON: Right.

DELEISSEGUES: It depends on what they put in there.

WRISTON: So there's a motion on the floor.

DELEISSEGUES: I'll second it. Or did somebody second it already?

WRISTON: Nope.

DELEISSEGUES: I'll **second**.

WRISTON: Second by Dick. Any discussion? You guys are good tonight. Roll call.

ROLL CALL VOTE

ALLEN: YES

VARTANIAN: AYE

RUPLEY: AYE

DELEISSEGUES: AYE

WRISTON: AYE

RUPLEY: This is a guy who knows how to do roll call.

WRISTON: Yeah, so there.

VARTANIAN: Yeah, but he had to read it.

WRISTON: All right. That brings us to the end of our hearing items tonight. Thank you all for your participation and patience. Coming down to the wire here and finishing up the annual reviews.

VARTANIAN: Can I ask a question?

WRISTON: Yeah.

VARTANIAN: Is it Ms. Osborn or Mrs. Osborn?

OSBORN: Yes.

VARTANIAN: I'm sorry, I probably should know this, what does your firm do?

OSBORN: Engineering and planning services.

VARTANIAN: Okay. It's not transportation, it's, okay. Okay. Thank you.

RUPLEY: You need to make your announcement.

DELEISSEGUES: Yeah, he's going to.

WRISTON: Any old business?

OLD BUSINESS

VARTANIAN: Any luck setting up a work session with the County planners?

WRISTON: We're working on it. I think we're going to call -- I think we're going to call a double, a double work session so we're working on dates actually to fit it into, fit it into the schedule, but I haven't forgotten, trust me, and now it appears we're -- I'm not exactly sure.

NEW BUSINESS

WRISTON: But under new business we've been asked as you all know, and unfortunately I wasn't able to be at the work session, but we've been asked by the Board of County Commissioners to consider creating a railroad resource group it appears to research alternatives, assist in providing relevant information to the public, issue a draft proposal to the public and County Railroad Advisory Board and secure a recommendation from the Railroad Advisory Board to the Planning Commission, and all this has to do with the railroad, railroad zoning and/or overlay along Clark County's rail line.

I will note one thing that I'm sure you've all noticed, they're asking or their thoughts are that it would be good for two Planning Commission members to serve on the advisory committee. I guess I'll ask you since I wasn't able to be at the work session, this is nice, this is the first time I can recall that we've been asked, the Planning Commission doesn't create advisory or resource groups, did that get discussed as to what exactly we're being asked to do or, Rich, do you know anything about it?

LOWRY: No.

WRISTON: Anyone? Staff.

DELEISSEGUES: Just what it says in the letter, Jeff.

WRISTON: Okay. Well, then great, then what I'll do is discuss it with Marty as to what we're being asked to do. I'm -- that's great. I mean I'm flattered that they're asking the Planning Commission to take an active role in something that's a fairly --

VARTANIAN: Actually Commissioner Boldt did indicate that what they're looking -- what the Board of Commissioners is looking for is a recommendation by this resource group as to what, if any, zoning there should be identified --

WRISTON: Overlay.

VARTANIAN: -- the uses, what's going to be able to utilize the track, how it's going to be implemented and what kind of sharing of expenses or costs and general overall philosophy and what the people that are adjoining the properties, what they might have to say and mitigation-wise and whatever, so it's basically a start with a clean slate, we've got a railroad, how do you want to be able to use it and make it livable for the people around it.

ORJIAKO: That's good.

WRISTON: Okay. Well, I'll get with Marty and we'll see where this -- I mean we don't create groups as far as I know so maybe they're looking for a recommendation. I'll clarify recommendation to them that such a group be created so or I'll just get a clarification, but in any event that's the direction. I think we heard a little bit about that at our lunch and this is further steps in the -- in that direction. Any other? Jada.

RUPLEY: I'd just like to comment that I probably will defer as one of the Planning Commissioners interested in this because I've been assisting with a group on collaboration with the Commissioners that a new task force has been developed for looking at growth and how that affects schools both in the capital facility as well as quality of education and so -- and the meeting happened last week and it was very well attended by school board members, Rich Lowry was there, all three Commissioners and the superintendents and so I look forward to some work involved with that and great results.

WRISTON: You can't jump ship on this, you can be on two committees.

DELEISSEGUES: Or three.

WRISTON: No. I appreciate that. We'll --

RUPLEY: You know me, I make sure that you guys have to spend a lot of time listening to me on the school issues.

WRISTON: We'll float around a sign-up sheet later on this evening or something.

DELEISSEGUES: Well, Ron, Ron Barca, is not here, we'll put him on it.

WRISTON: That's true, Ron, Ron, and I was going to say Lonnie.

RUPLEY: And maybe we can appoint Lonnie Moss because he'll have time.

WRISTON: Yeah. Ron, Ron and Lonnie. All right. Any other new business? With that we'll go ahead and close the hearing if there's no other comments from Planning Commission?

RUPLEY: Maybe Lonnie Moss and Vaughn Lein.

WRISTON: And thank you very much, appreciate it. We probably could have tacked this on the last hearing but who would have known, so that was, that was good. So appreciate all your help and we'll see you on the 13th I guess.

RUPLEY: Keep him in the roll call mode, he's good.

WRISTON: So thank you.

ADJOURNMENT

The hearing adjourned at 7:30 p.m.

All proceedings of tonite's hearing can be viewed on the Clark County Web Page at:
[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)
Proceedings can be also be viewed on CVTV on the following web page link:
<http://www.cityofvancouver.us/cvtv/>

Chair

Date

Minutes Transcribed by:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant

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